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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MONICO ARANZUBIA,

12 Petitioner,

13 v.

14 STEVEN MERLAK,

15 Respondent.
16
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No. 1:20-cv-00016-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PETITION FOR WRIT OF HABEAS
CORPUS

(Doc. No. 4)

18 Petitioner Monico Aranzubia is a federal prisoner proceeding *pro se* with a petition for
19 writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On January 10, 2020, the assigned magistrate judge issued findings and recommendations,
22 recommending that the pending petition for habeas relief brought by a federal prisoner be denied
23 without prejudice due to petitioner's failure to first exhaust administrative remedies with the U.S.
24 Bureau of Prisons. (Doc. No. 4.) The findings and recommendations were served upon petitioner
25 and contained notice that any objections thereto were to be filed within twenty-one (21) days
26 from the date of service of the order. (*Id.* at 3.) On January 31, 2020, petitioner filed a notice of
27 no objection to the findings and recommendations, stating that he has been deemed eligible to
28 earn time credits pursuant to 18 U.S.C. § 3632(d) and therefore "no longer requires the assistance

1 of the Court in this matter[.]” (Doc. No. 5 at 1.)

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, including petitioner’s
4 notice of no objection, the court concludes that the findings and recommendations are supported
5 by the record and proper analysis.

6 The court notes that in the event a notice of appeal were nonetheless filed in this action, a
7 certificate of appealability is not required because this is not a final order in a habeas proceeding
8 in which the detention complained of arises out of process issued by a State court. *See Forde v.*
9 *U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997).

10 Accordingly:

- 11 1. The findings and recommendations issued on January 10, 2020 (Doc. No. 4), are
12 adopted in full;
- 13 2. The petition for writ of habeas corpus (Doc. No. 1) is denied without prejudice;
14 and
- 15 3. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: March 19, 2020

18 
UNITED STATES DISTRICT JUDGE